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**FISCAL IMPACT STATEMENT**

**LS 7226**

**BILL NUMBER:** HB 1368

**NOTE PREPARED:** Jan 11, 2009

**BILL AMENDED:**

**SUBJECT:** Crime Stoppers Organizations.

**FIRST AUTHOR:** Rep. Hinkle

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** *Crime Stoppers Council:* The bill establishes the Crime Stoppers Advisory Council (Council) within the Indiana State Police Department (ISP) and provides for the appointment of members. It requires the Council to encourage and assist in the creation of crime stoppers organizations and facilitate the detection of crime.

*Confidentiality:* It makes reports relating to criminal acts made to a crime stoppers organization or the council confidential. The bill also makes unlawfully disclosing a crime stoppers report a Class A misdemeanor, and enhances the penalty to a Class D felony if the disclosure is made for monetary gain.

*Repayment:* The bill permits a court to order a person convicted of a crime to repay all or part of any reward money paid by a crime stoppers organization or to order a person on probation to make a payment to a crime stoppers organization. It authorizes the Council to certify which crime stoppers organizations are eligible for payments or repayments, and specifies that crime stoppers organizations that receive payments or repayments are subject to audit.

*Toll-Free Telephone Service:* The bill requires the Council to establish a toll-free telephone service for the reporting of criminal acts and to make the toll-free service available in parts of Indiana not served by a crime stopper organization.

*Immunity:* The bill provides immunity from civil liability for persons who make, receive, or transmit certain information relating to criminal activity.

It makes other changes and conforming amendments.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** *Crime Stoppers Council:* The bill could increase salary, per diem, and traveling expenses, and other costs of the ISP by creating a five-member Crime Stoppers Advisory Council and having the Council and the ISP Superintendent designate a director. The amount of the cost increase will depend on the decisions of Council in the number of meetings held annually, its defining of the director's authority and responsibilities, and the volume of applications for repayment and audits the Council receives. Additionally, minimal costs may be involved in the Council adopting rules to implement its responsibility and for the Superintendent to draft rules concerning review or audit of programs requesting repayment for adoption by the Council.

*Toll-Free Telephone Service:* This provision would likely have a minimal impact on state expenditures. Generally, the cost of a toll-free call to a called entity is based on the amount of usage of a toll-free number, the cost of the trunk lines to the entity, and possibly a monthly flat rate service charge.

*Repayment:* Violation of a condition of probation or sentencing could result in an offender serving a period of incarceration, or it could extend the period the offender is under community supervision. A court may impose a sanction for violation of probation or sentencing including:

1. Continue the person on probation with or without modifying or enlarging the conditions;
2. Extend the person's probationary period for not more than one year beyond the original probationary period; or
3. Order execution of all or part of the sentence that was suspended at the time of the initial hearing.

If an offender is supervised in the community on probation for a longer period of time, courts may need more staff to supervise more offenders. Any effects of this bill would be at the court's discretion.

*Confidentiality:* There are no data available to indicate how many offenders may be convicted of the enhanced penalty for unlawfully disclosing a crime stoppers report, a Class D felony.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,287 in FY 2008. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$69,223. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

*Background- Crime Stoppers Organizations:* Most crime stopper organizations serve multiple counties by offering up to \$1,000 in reward for information and anonymity to informants. Primarily, the organizations are funded through donations. Under the bill, an organization may apply to the Council to petition the court for reimbursement of the amount paid. The reimbursed funds would be placed in a separate account, and 20% may be used for administrative expense and the rest for future awards. If an organization is dissolved or decertified, the unexpended money in the fund would revert to the state General Fund.

**Explanation of State Revenues:** *Confidentiality:* The underlying penalty for unlawfully disclosing a crime stoppers report is a Class A misdemeanor. If additional court cases occur and fines are collected, revenue to

both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, if the offender obtains monetary gain or other benefit, it is a Class D felony, for which the maximum fine is \$10,000. Criminal fines are deposited in the Common School Fund.

If the Class A misdemeanor or Class D felony case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

**Explanation of Local Expenditures:** *Confidentiality:* A Class A misdemeanor is punishable by up to one year in jail. If more defendants are detained in county jails prior to their felony court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** *Confidentiality:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:** DOC.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association; DOC.

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